

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT NEW YORK

VIACOM INTERNATIONAL INC., a
Delaware Corporation,

Plaintiff,

- against -

SPECIAL PRODUCTIONS, INC. and
MICHAEL DAVIDS A/K/A MICHAEL H.
DEMOS.

Defendants.

07-Civ-9237(PKS)

DECLARATION OF CHRISTOPHER J. ROBINSON

I, Christopher J. Robinson, hereby declare as follows:

1. I am an associate at the law firm of Davis Wright Tremaine LLP, attorneys for the plaintiff Viacom International Inc. (“Viacom”) in the above-captioned matter. I submit this declaration for the purpose of filing proofs of service of the summons and complaint on defendants Special Productions, Inc. (“Special Productions”) and Michael Davids a/k/a Michael H. Demos (“Davids”).

2. On October 15, 2007 Viacom filed the complaint in this action.

3. On October 15 and again on October 16, 2007, I caused an agent for Viacom to attempt to serve the summons and complaint on Special Productions at its place of business, 1133 Broadway, Suite 706, New York City and on Davids who is Executive Producer and President of Special Productions at the same address. As set forth in the sworn affidavits of Robert Vick, signed on October 22, 2007 and attached hereto as Exhibit 1, the Special Productions office was closed and service was not affected.

4. On October 17, 2007, I again caused an agent for Viacom to attempt to serve Special Productions at its offices on 1133 Broadway. As set forth in the sworn affidavit of

Yariela Gonzales, signed on November 5, 2007 and attached hereto as Exhibit 2, the office was closed and service was not affected.

5. On October 17, 2007, Viacom served Special Productions by leaving two copies of the summons, complaint and civil cover sheet with Carol Vogt at the offices of the Secretary of State, 41 State Street, Albany, NY 12207. **A true and correct copy of the sworn affidavit of service on the Secretary of State, signed by Mark McClosky on October 17, 2007, is attached hereto as Exhibit 3.**

5. On October 25, 2007, Viacom served Special Productions pursuant to Federal Rules of Civil Procedure, Rule 4(h)(1) by affixing a copy of the summons and complaint to the door of 1133 Broadway, Suite 706, New York City and by mailing a copy of same to the same address. **A true and correct copy of the sworn affidavit of service, signed by Yariela Gonzales on November 5, 2007, is attached hereto as Exhibit 4.**

6. On October 17, 2007, I caused an agent for Viacom to attempt to serve Davids at his last known address, 215 W 95th Street, apartment 8G, New York City, but she was told that Davids had been evicted from the location. A true and correct copy of the sworn affidavit of Yariela Gonzales, signed on November 9, 2007, is attached hereto as Exhibit 5.

7. On October 25, 2007, Viacom served Davids pursuant to Federal Rules of Civil Procedure, Rule 4(h)(1) by affixing a copy of the summons and complaint to the door of Davids at his place of business at 1133 Broadway, Suite 706 and mailing a copy of the same to the same address. **A true and correct copy of the sworn affidavit of service, signed by Yariela Gonzales on October 31, 2007, is attached hereto as Exhibit 6.**

I declare under penalty of perjury that the foregoing is true and correct.

Executed at New York, New York this 13th day of November, 2007.

A handwritten signature in cursive script, appearing to read "Christopher Robinson", written in black ink.

Christopher J. Robinson

EXHIBIT 1

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
VIACOM INTERNATIONAL INC., a Delaware corporation,

Plaintiff,

CASE NO.
07CIV9237

-against-

SPEICAL PRODUCTIONS, INC AND MICHAEL DAVIDS a/k/a
MICHAEL H. DEMOS,

AFFIDAVIT OF
ATTEMPT SERVICE

Defendants.
-----X

STATE OF NEW YORK, COUNTY OF NEW YORK. ss:

Robert Vick, being duly sworn, deposes and says that he is not a party to the above action, is over 18 years of age, and resides in Brooklyn, New York.

On October 15, 2007, at approximately 4:30pm, deponent attempted to serve a SUMMONS, COMPLAINT, CIVIL COVER SHEET, RULE 7.1 AND JUDGE CASTEL RULES, in the above captioned action upon Special Productions, Inc, at 1133 Broadway, Suite 706, New York, NY 10010. Deponent was unable to serve the documents due to the fact that Special Production was closed. In front of Special Production door, there were two notes. One note said to make an appointment you have to call the main office. The other note said if you have package to deliver, take it to the building messenger center.

On October 16, 2007, at approximately 10:00pm, deponent attempted to serve a SUMMONS, COMPLAINT, CIVIL COVER SHEET, RULE 7.1 AND JUDGE CASTEL RULES, in the above captioned action upon Special Productions, Inc, at 1133 Broadway, Suite 706, New York, NY 10010. Deponent again was unable to serve the documents due to the fact that Special Production was still closed. The two notes from the previous day were still attached to the company door.


Robert Vick

Sworn to Before Me this

22nd day of October, 2007.


NOTARY PUBLIC

Davis119

RINA I. RAMOS, Notary Public
State of New York No. 01RA6002465
Qualified in Queens County
Certified in Queens County
Commission Expires Feb. 9, 2010

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
VIACOM INTERNATIONAL INC., a Delaware corporation,

Plaintiff,

CASE NO.
07CIV9237

-against-

SPEICAL PRODUCTIONS, INC AND MICHAEL DAVIDS a/k/a
MICHAEL H. DEMOS,

AFFIDAVIT OF
ATTEMPT SERVICE

Defendants.
-----X

STATE OF NEW YORK, COUNTY OF NEW YORK. ss:

Robert Vick, being duly sworn, deposes and says that he is not a party to the above action, is over 18 years of age, and resides in Brooklyn, New York.

On October 15, 2007, at approximately 4:30pm, deponent attempted to serve a SUMMONS, COMPLAINT, CIVIL COVER SHEET, RULE 7.1 AND JUDGE CASTEL RULES, in the above captioned action upon Michael Davids, at 1133 Broadway, Suite 706, New York, NY 10010. Deponent was unable to serve the documents due to the fact that Special Production were Michael Davids works was closed. In front of Special Production door, there were two notes. One note said to make an appointment you have to call the main office. The other note said if you have package to deliver, take it to the building messenger center.

On October 16, 2007, at approximately 10:00pm, deponent attempted to serve a SUMMONS, COMPLAINT, CIVIL COVER SHEET, RULE 7.1 AND JUDGE CASTEL RULES, in the above captioned action upon Special Productions, Inc, at 1133 Broadway, Suite 706, New York, NY 10010. Deponent again was unable to serve the documents due to the fact that Special Production were Michael Davids works was still closed. The two notes from the previous day were still attached to the company door.



Robert Vick

Sworn to Before Me this

^{22nd} day of October, 2007.



NOTARY PUBLIC

Davis120

RINA I. RAMOS, Notary Public
State of New York No. 01RA6002465
Qualified in Queens County
Certified in Queens County
Commission Expires Feb. 9 2010

EXHIBIT 2

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

Index No. 07CIV9237

VIACOM INTERNATIONAL INC., A DELAWARE CORPORATION

, Plaintiff(s)

- against -

SPECIAL PRODUCTIONS, INC. AND MICHAEL DAVIDS A/K/A MICHAEL H. DEMOS,

, Defendant(s)

State of New York)
) SS.:
County of New York)

NOT FOUND OR NON SERVICE RETURN

I, the undersigned am and was on the dates herein mentioned, over the age of eighteen years and not a party to the action, attempted to serve the following:

SUMMONS IN A CIVIL ACTION AND COMPLAINT

RULE 7.1 STATEMENT

INDIVIDUAL PRACTICES OF JUDGE P. KEVIN CASTEL

INDIVIDUAL PRACTICES OF MAGISTRATE JUDGE EATON

CIVIL COVER SHEET

And that after due search, careful inquiry and diligent attempts at the Business:

SPECIAL PRODUCTIONS INC.

1133 BROADWAY

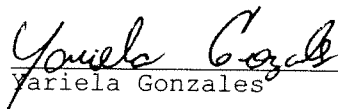
#706

NEW YORK, NY 10010

I have been unable to make delivery of said process on the within named:

Process is being returned without service for the following reasons:

10/17/2007 at 2:00 PM - Attempted service: Entered building and went to 706; office was closed; name on door was of a flooring company; asked security guard for said company, Special Productions. Security stated that there was no such company in building; asked for either Michael Davis or Michael Demous; security guard stated that he had never heard of anyone by that name at this location.
10/17/2007 at 5:49 PM - Attempted service: Security guard stated that company had moved.


Yariela Gonzales

License #1260358

SWORN TO BEFORE ME on 11/05/2007



OUR DOC# 19719

Davis Wright Tremaine LLP

1633 Broadway

27th Flr

New York NY 10019

212-489-8230

XIAOQIAN HAN

Notary Public, State of New York

No. 01HA6147542

Qualified in Queens County

Commission Expires June 5, 2010

EXHIBIT 3

STATE OF NEW YORK
COUNTY OF SOUTHERN

UNITED STATES

COURT

FILED ON: 10/15/2007

FILE NO.: 078782

INDEX NO.: 07CV9237

VIACOM INTERNATIONAL INC., A DELAWARE CORPORAITON

Plaintiff(s)-Petitioner(s)

-VS-

SPECIAL PRODUCTIONS, INC. and MICHAEL DAVIDS a/k/a MICHAEL H. DEMOS

Defendant(s)-Respondent(s)

STATE OF NEW YORK}
COUNTY OF SCHENECTADY ss.}

I, Mark E. McClosky being duly sworn, deposes and says that deponent is over the age of eighteen years, is not a party in this proceeding and resides in New York State.

On OCTOBER 17, 2007 at 2:40 P.M.

Deponent served two true copies of **SUMMONS AND COMPLAINT, CIVIL COVER SHEET**

bearing index number: 07CV9237 and date of filing: 10/15/2007

upon **SPECIAL PRODUCTIONS INC.**at address: **SECRETARY OF STATE, 41 STATE STREET**City & State: **ALBANY, NY 12207**MANNER OF SERVICE}PERSONAL

- ☐
- By delivering to and leaving with personally} known to the deponent to be the same person mentioned and described in the above proceeding as the person to be served.

SUITABLE AGE PERSON

- ☐
- By delivering to and leaving with personally} at the premises mentioned above. Such person knowing the person to be served and associated with him/her, and after conversing with him/her, deponent believes him/her to be a suitable age and discretion.

AUTHORIZED AGENT

- ☒
- By delivering and leaving 2 copies with}
- CAROL VOGT**
- the agent for service on the person in this proceeding designated under Rule306 BCL and tendering the required fee. Service having been made to such person at the place, date and time above.

AFFIXING TO DOOR, ETC.

- ☐
- By affixing a true copy of each to the door of the actual place of business, dwelling place or usual place of abode stated above. Deponent was unable with due diligence to find the proper or authorized person to be served, or a person of suitable age and discretion at the actual place of business, dwelling place or usual place of abode stated above after having called there on the following dates and times:

MAILING

- ☐
- Deponent completed service by depositing a true copy of each in a postpaid, properly addressed envelope in an official depository under the exclusive care and custody of the United States Postal Service. The package was labeled "Personal & Confidential" and mailed to the person stated above at address on . The envelope did not indicate on the outside that the communication was from an attorney or concerned an action against the recipient. The envelope was mailed by
- ☐
- first class mail
- ☐
- certified mail
- ☐
- registered mail
- ☐
- return receipt requested.

Deponent further states upon information and belief that said person so served is not in the Military service of the State of New York or the United States as the term is defined in either State or Federal statutes.

DESCRIPTION} deponent describes the person actually served as:

Sex: FEMALE

Race/Skin Color: WHITE

Approximate Age: 53 years Approximate Height: 5'4"

Other:

Hair Color: BROWN

Approximate Weight: 125 pounds

Subscribed and sworn before me on} OCTOBER 17, 2007

Karen E. Rock #01R06065213
Notary Public, State of New York
Qualified in Schenectady County
Commission Expires: 10/09/2009Kathryn A. Rock-McClosky
Commissioner of Deeds
Qualified in Schenectady County
Commission Expires: 08/27/2004Attorney:
Davis Wright Tremaine LLP
1633 Broadway - 27th Floor
New York, NY 10019
212-489-8230Mark E. McClosky
Deponent

affidavit number: 200770474

FIRM FILE #19718

EXHIBIT 4

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

Index No. 07CIV9237

VIACOM INTERNATIONAL INC., A DELAWARE CORPORATION

, Plaintiff(s)

- against -

SPECIAL PRODUCTIONS, INC. AND MICHAEL DAVIDS A/K/A MICHAEL H. DEMOS,

, Defendant(s)

State of New York)
) SS.:
County of New York)

AFFIDAVIT OF SERVICE

Yariela Gonzales being duly sworn, deposes and says that she is over the age of 18 years; is not a party to this action and resides within the State of New York. That on 10/25/2007 at 2:35 PM at:

SPECIAL PRODUCTIONS INC.

1133 BROADWAY

#706

NEW YORK NY 10010

Deponent served the annexed:

SUMMONS IN A CIVIL ACTION AND COMPLAINT

RULE 7.1 STATEMENT

INDIVIDUAL PRACTICES OF JUDGE P. KEVIN CASTEL

INDIVIDUAL PRACTICES OF MAGISTRATE JUDGE EATON

CIVIL COVER SHEET

upon SPECIAL PRODUCTIONS INC. by affixing true copies to the door of said premises which is recipients last known business address within the state.

Deponent was unable with due diligence to find recipient or a person of suitable age and discretion having called there on:

10/24/2007 at 5:07 PM - Attempted service: office closed.

10/25/2007 at 9:40 AM - Attempted service: Office was closed. Spoke to doorman who stated that they were hardly ever there and that the mail is picked up only in room 221.

10/25/2007 at 2:15 PM - Attempted service: Knocked on door no answer.

Within 20 days of said affixing, deponent enclosed a copy of same in a first class postpaid envelope in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State. The envelope bore the legend "PERSONAL & CONFIDENTIAL" and did not indicate by return address or otherwise that the communication was from an attorney or concerned an action against the recipient.

To the best of my knowledge, based on information and belief, the said recipient at the time of service was not engaged in the military service of the United States or New York.


Yariela Gonzales

License #1260358

SWORN TO BEFORE ME on 11/05/2007



OUR DOC# 19871
Davis Wright Tremaine LLP
1633 Broadway
27th Flr
New York NY 10019
212-489-8230

XIAOQIAN HAN
Notary Public, State of New York
No. 01HA6147542
Qualified in Queens County
Commission Expires June 5, 2010

EXHIBIT 5

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

Index No. 07CIV9237

VIACOM INTERNATIONAL INC., A DELAWARE CORPORATION

, Plaintiff(s)

- against -

SPECIAL PRODUCTIONS, INC. AND MICHAEL DAVIDS A/K/A MICHAEL H. DEMOS,

, Defendant(s)

State of New York)

) SS.:

County of New York)

NOT FOUND OR NON SERVICE RETURN

I, the undersigned am and was on the dates herein mentioned, over the age of eighteen years and not a party to the action, attempted to serve the following:

SUMMONS IN A CIVIL ACTION AND COMPLAINT

RULE 7.1 STATEMENT

INDIVIDUAL PRACTICES OF JUDGE P. KEVIN CASTEL

INDIVIDUAL PRACTICES OF MAGISTRATE JUDGE EATON

CIVIL COVER SHEET

And that after due search, careful inquiry and diligent attempts at the Residence:

215 W 95TH STREET

8G

NEW YORK, NY 10025

I have been unable to make delivery of said process on the within named: MICHAEL DAVIS

Process is being returned without service for the following reasons:

10/17/2007 at 4:34 PM - Attempted service spoke to security guard who said that Davis no longer lived at the location. He also stated that Davis was evicted from the location. Asked if he heard of Sprcial Productions Inc., the guard said he did not know the company.

Yuriela Gonzales

Yuriela Gonzales

License #1260358

SWORN TO BEFORE ME

11-9-07

OUR DOC# 19720

Davis Wright Tremaine LLP

1633 Broadway

27th Flr

New York NY 10019

212-489-8230

Johnysha Santana
Johnysha Santana
Notary Public, State of New York
No. 01SA6168179
Qualified in New York County
Commission Expires 06/11/2011

EXHIBIT 6

VIACOM INTERNATIONAL INC., A DELAWARE CORPORATION

, Plaintiff(s)

- against -

SPECIAL PRODUCTIONS, INC. AND MICHAEL DAVIDS A/K/A MICHAEL H. DEMOS,

, Defendant(s)

State of New York)
) SS.:
County of New York)

AFFIDAVIT OF SERVICE

Yariela Gonzales being duly sworn, deposes and says that she is over the age of 18 years; is not a party to this action and resides within the State of New York. That on 10/25/2007 at 2:35 AM at:

SPECIAL PRODUCTIONS INC.

1133 BROADWAY

#706

NEW YORK NY 10010

Deponent served the:

INDIVIDUAL PRACTICES OF MAGISTRATE JUDGE EATON

INDIVIDUAL PRACTICES OF JUDGE P. KEVIN CASTEL

RULE 7.1 STATEMENT

SUMMONS IN A CIVIL ACTION AND COMPLAINT

CIVIL COVER SHEET

upon MICHAEL DAVIDS A/K/A MICHAEL H. DEMOS,
by affixing true copies to the door of said premises which is recipients last known residence within the state.

Within 20 days of such service, deponent enclosed a copy of same in a first class postpaid envelope properly addressed to recipient at:

MICHAEL DAVIDS A/K/A MICHAEL H. DEMOS

SPECIAL PRODUCTIONS INC.


1133 BROADWAY

#706

NEW YORK NY 10010

and deposited said envelope in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State. The envelope bore the legend "PERSONAL & CONFIDENTIAL" and did not indicate by return address or otherwise that the communication was from an attorney or concerned an action against the recipient.

To the best of my knowledge, based on information and belief, the said defendant at the time of service was not engaged in the military service of the United States or New York.


Yariela Gonzales

License #1260358

SWORN TO BEFORE ME 10-31-07

Johnysha Santana
Notary Public, State of New York
No. 01SA6168179
Qualified in New York County
Commission Expires 06/11/2011

OUR DOC# 19779
Davis Wright Tremaine LLP
1633 Broadway
27th Flr
New York NY 10019
212-489-8230